

Serial No.: 10/726,313

**REMARKS/ARGUMENTS**

This response is timely filed as it is filed within the ONE (1) month shortened statutory period for response to the outstanding Office Action.

5       No additional claim fee is believed to be due because neither the total  
number of pending claims nor the number of independent claims is believed to exceed  
the total number and the number of independent claims, respectively, for which fees  
have previously been paid. If, however, it is determined that such a fee is properly  
due as a result of this communication, the Commissioner is hereby authorized to  
charge payment of such fees or credit any overpayment, associated with this  
10       communication, to Deposit Account 19-3550.

**Election/Restrictions**

In response to Election/Restriction requirements set forth in an  
Office Action dated as mailed on 13 September 2005, certain elections were made.  
In response to further Election/Restriction requirements set forth in an Office Action  
15       dated as mailed on 22 December 2005, certain further elections were made. In  
response to a substantive Office Action dated as mailed on 19 April 2006,  
independent claims 1 and 18 were each rewritten to specifically require that the  
claimed ignition composition comprises a metal fuel and claims 2-8 (dependent on  
claim 1) and claims 19-22 (dependent on claim 18) were correspondingly rewritten.

Serial No.: 10/726,313

In the outstanding Action, previously withdrawn claims 5-8 and 22 have been rejoined. However, under 35 U.S.C. 121, the election of a single species of additional fuel has been required for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Action states that claims 1-4, 9-15, 18, 20-24 and 26-29 “appears [sic] generic.”

Claims 1-29 remain in the application with claims 16, 17 and 25 having been previously withdrawn from consideration.

In response to the new Election/Restriction requirement, the metalloid fuel boron is elected with traverse.

Of the pending claims, at least claims 1-6 and 9-29 are believed to be readable on the newly elected species. While the Action has identified claims 1-4, 9-15, 18, 20-24 and 26-29 as being generic, claim 22 though reading on the newly elected species is not believed to be generic relative to the species of additional fuel. Also, previously withdrawn claims 16, 17 and 25 are believed to be generic relative to the additional fuel election.

By the above, the outstanding election of species requirement has been traversed. The Manual of Patent Examining Procedure (MPEP) in section 808 entitled, “Reasons for Insisting Upon Restriction”, specifically provides:

Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each

invention *as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction therebetween as set forth in the following sections.

5                   The MPEP, in subsection 808.01(a), entitled “Species”, further specifically provides:

10                   A requirement for restriction is permissible if there is a patentable difference between the species as claimed **and there would be a serious burden on the examiner if restriction is not required.**  
[Emphasis added.]

15                   In the present instance and assuming for the sake of argument that the inventions of various species of additional fuel are either independent or distinct from each other, as the Action does not set forth an explanation as to why there would be a serious burden on the Examiner if restriction is not required, the Action has failed to set forth a **required** showing in support of an election of species requirement. In view thereof, reconsideration and withdrawal of the election of species requirement are requested.

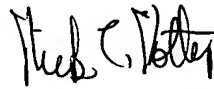
### Conclusion

20                   It is believed that the above elections are properly responsive to the requirements contained in the Action and that the application is in condition for substantive examination. Should the Examiner detect any issue or have any question

Serial No.: 10/726,313

which might be resolved via a telephone discussion, the Examiner is kindly requested to contact the undersigned by telephone at the (847) 490-1400, in an effort to expedite examination of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nick C. Kottis".

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